

35394-5
9-21-1 to each judge

DISTRICT COURT OF MINNESOTA
SIXTH JUDICIAL DISTRICT
VIRGINIA
55792

CHAMBERS OF
MITCHELL A. DUBOW
JUDGE

September 16, 1981

The Honorable Chief Justice and Associate Justices
of the Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota 55101

RE: Proposed Admendments to Rules of Civil Procedure
(Hearing October 15, 1981)

Gentlemen:

On behalf of the Judges of the District Court of
the Sixth Judicial District, we would like to suggest a
modification of proposed Rule 7.02 (1). The proposed rule
reads as follows:

Rule 7. PLEADING ALLOWED: FORM OF MOTIONS

Rule 7.02. Motion and other Papers

(1) An application to the court for an
order shall be by motion which, unless made during
a hearing or trial, shall be made in writing, shall
state with particularity the grounds therefor,
and shall set forth the relief or order sought.
The requirement of writing is fulfilled if the
motion is stated in a written notice of the hearing
of the motion. Motions provided in these rules
are motions requiring a written notice to the party
and a hearing before the order can be issued unless
the particular rule under which the motion is made
specifically provides that the motion may be made
ex parte. The parties may agree to written sub-
mission to the court for decision without oral
argument.

We recommend that the last sentence of the proposed
rule be changed to read as follows:

Cont'd.

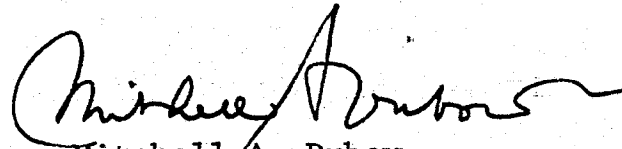
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The parties may agree to written submission to the court for decision without oral argument unless the court directs otherwise.

There are occasions where there is need, from a court's point of view, for elaboration or clarification of written memoranda or where the court has questions it would like to ask that counsel may not have anticipated, and we feel that the rule should provide for such contingencies.

Very truly yours,



Mitchell A. Dubow
Chief Judge

pc: District Judges, Sixth Judicial District
District Court Administrator

MAD/dmu